

Automated data exchange for police cooperation (?Prüm II?)

2021/0410(COD) - 08/12/2021 - Legislative proposal

PURPOSE: to establish a framework for the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences (Prüm II).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminality across Europe undermines EU citizens security and well-being. Law enforcement authorities need robust and performant tools to fight crime effectively. Cooperation and information sharing are the most powerful means to combat crime and pursue justice. In 2021, more than 70% of organised crime groups were found to be present in more than three Member States.

Against this background, the Prüm Decisions (Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA), adopted in 2008, contribute to cross-border cooperation between EU Member States in the fields of justice and home affairs. They provide a mechanism for the exchange of information between authorities responsible for the prevention and investigation of criminal and terrorist offences.

In 2018, the Council underlined the importance of Prüm's main features: the automated searching and comparison of DNA profiles, dactyloscopic data and vehicle registration data for tackling terrorism and cross-border crime. The Council also invited the Commission to consider revising the Decisions with a view to broadening their scope and to updating the necessary technical and legal requirements, notably to facilitate connections between Member States and speed up the exchange of data between them.

CONTENT: this proposal seeks to reinforce the exchange of information between Member States and therefore provide EU law enforcement authorities with enhanced tools to fight crime and terrorism. Its main aim is to improve, streamline and facilitate the exchange of criminal information between Member States law enforcement authorities, but also with the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) No 2016/794 of the European Parliament and of the Council (Europol) as the Union criminal information hub.

Purpose

The purpose of Prüm II is twofold:

- to step up cross-border cooperation in matters, particularly the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences;
- to allow for the search for missing persons and unidentified human remains by authorities responsible for the prevention, detection and investigation of criminal offences.

Scope

The proposal applies to the national databases used for the automated transfer of the categories of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data.

Objective

The proposed initiative seeks to achieve the following objectives:

- (1) provide a technical solution for efficient automated exchange of data between EU law enforcement authorities to make them aware of relevant data that is available in the national database of another Member State;
- (2) ensure that more relevant data (namely facial images and police records) from national databases in other Member States is available to all competent EU law enforcement authorities;
- (3) ensure that relevant data from Europol's database is available to national law enforcement authorities and that Europol uses its data to its full potential;
- (4) provide law enforcement authorities with efficient access to the actual data corresponding to a hit that is available in the national database of another Member State or at Europol.

New (technical) architecture for the exchange of data

The proposal envisages the creation of central routers (the Prüm II router and the European Police Records Index System (EPRIS)) that would each act as a connecting point between Member States. This is a hybrid approach between a decentralised and centralised solution without any data storage at central level. It will imply that national databases in each Member State will all connect to the central router instead of connecting to one another. This approach would ensure that law enforcement authorities have fast and controlled access to the information that they need to perform their tasks, in line with their access rights.

Third country-sourced data

In an open society in a globalised world, data provided by third countries on criminals and terrorists is crucial. The proposal contains provisions on the access by Member States to third country-sourced biometric data stored by Europol and on the access by Europol to data stored in Member States databases.

Budgetary implications

This proposal would have an impact on the budget and staff needs of eu-LISA and Europol.

For eu-LISA, it is estimated that an additional budget of around EUR 16 million and around 10 additional posts would be needed for the overall MFF period. For Europol, it is estimated that an additional budget of around EUR 7 million and around 5 additional posts would be needed for the overall MFF period.